

Amendment After Final Rejection
Serial No. 10/028,381

Docket No. US010662

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-15 and 17-20 are pending and stand rejected. Claims 1, 5, 13, 14, 15 and 20 have been amended.

Claims 17-29 stand rejected under 35 USC 102(e) as being anticipated by Kimoto (USP no. 6,792,577).

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, in the interest of advancing the prosecution of this matter, the independent claims have been amended to more clearly state the invention. More specifically, the claims have been amended to recite that data is transmitted from the network to the device in the preferred device format. No new matter has been added.

Support for the amendment may be found at least on page 5, lines 1-4, which state "[i]n another embodiment, the data repository further extracts the specific information of the request, formats the specific information in accordance with the device data format preference, and transmits the specific information over the communication network to the device."

Kimoto discloses a data distribution method and apparatus and data receiving method and apparatus (see title). Kimoto more specifically discloses style sheets which define the expression form of documents in a meta-language format in which tags which can be defined arbitrarily are used and managed appropriately. A style sheet is given a unique style ID. Since a receiving system is capable of storing style sheets separately from XML documents and managing them, it is unnecessary to add a style sheet to each XML document body and to transmit it, and thus the amount of the data to be transmitted can be reduced." (see Abstract). Kimoto further discloses generally "[t]he broadcast content is composed of a document body described in an XML format and a style sheet described in XSL format." (see col. 11, lines 34-38). Kimoto discloses that the use of a style sheet is advantageous as it enables the processing of the same document for different receiving systems. (see col. 12, lines 42-67, "[f]or example, by changing a style

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sheet which is applied to the same document body, various documents in a drawing-enable format, ... a customized document for company A, a customized document for company B, a program introduction and a multimedia contents are created... Fig. 7 schematically shows an example in which a display form differs greatly according to a style sheet even if the original program information is the same.").

Kimoto further discloses that the style sheet may have an identification code and the code may be transmitted to the receiving device with the document. The receiving device having stored the style sheet and the style sheet ID and extracts the style sheet identification code from the transmitted message to obtain the format of the message to be presented at the receiving device.

In this aspect of the teachings of Kimoto, the transmitter transmits an XML document and a style sheet identification code and the receiver uses the code to determine the format used to present the data.

However, contrary to the statements made in the Office Action, Kimoto fails to disclose that the transmitter transmits the data in the preferred format of the device, as is recited in the claims.

It is well recognized that to constitute a rejection pursuant to 35 USC §102, i.e., anticipation, all material elements recited in a claim must be found in one unit of prior art.

Kimoto cannot be said to anticipate the present invention, because Kimoto fails to disclose each and every element recited. As shown, Kimoto fails to teach "said network being configured for using said [[data packet,]] data format preference in preparing the specific information for transmission to said device." Rather Kimoto teaches transmitting a document and style sheet ID and having the receiving device format the message.

At least for this reason, applicant submits that the rejection of independent claim 20 has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard the remaining claims these claims ultimately depend from the independent claim 20, which has been shown to contain subject matter not disclosed by, and, hence, allowable over, the reference cited. Accordingly, these claims are also allowable by virtue of their dependency from an allowable base claim.

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Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

Claims 1-15 stand rejected under 35 USC 103(a) as being unpatentable over Kimoto. The Office Action states that "Kimoto did not explicitly state using a network address of the device as a device identifier. However, network addresses were well known in the art and Kimoto's system must know the device's network address in order to send the correction information to the correct device. Since a network address uniquely identifies each device on the network, it would make sense to use the address as a device identifier."

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, in the interest of advancing the prosecution of this matter, the independent claims 1, 5 and 14 have been amended to explicitly state that "utilizing, [[on]] at the network, the device format preference from the data repository in preparing the needed data for transmission to said device." No new matter has been added for the same arguments made previously.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

With regard to independent claims 1, 5 and 14, these claims subject matter similar to that recited in claim 20, which has been shown to contain subject matter not disclosed by Kimoto. The Office Action fails to provide any addition references to correct the deficiency found to exist in the Kimoto reference.

For at least this reason, applicant submits that the rejection of independent claims 1, 5 and 14 has been overcome and respectfully requests that the rejection be withdrawn.

With regard the remaining claims these claims ultimately depend from the independent claims, which have been shown to contain subject matter not disclosed by, and, hence, allowable over, the reference cited. Accordingly, these claims are also allowable by virtue of their dependency from an allowable base claim.

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Although the last Office Action was made final, this amendment should be entered. No matter has been added to the claims that would require comparison with the prior art or any further review only require a cursory review is required by the examiner. The amendment therefore should be entered without requiring a showing under 37 CFR 1.116(b).

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Paul Im
Registration No. 50,418


By: Steve Cha
Attorney for Applicant
Registration No. 44,069

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Mail all correspondence to:
Paul Im, Registration No. 50,418
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9624
Fax: (914) 332-0615